

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et*  
*al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**NOTICE OF CORRESPONDENCE REGARDING THE  
THREE HUNDRED EIGHTY-FIRST OMNIBUS OBJECTION (SUBSTANTIVE) OF  
THE COMMONWEALTH OF PUERTO RICO, THE EMPLOYEES RETIREMENT  
SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO,  
AND THE PUERTO RICO PUBLIC BUILDINGS AUTHORITY TO PROOFS OF  
CLAIM NOS. 173011 AND 174125**

To the Honorable United States District Court Judge Laura Taylor Swain:

1. On August 20, 2021, the Commonwealth of Puerto Rico (the “Commonwealth”), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), and the Puerto Rico Public Buildings Authority (“PBA,” and together with the

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA,” and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Commonwealth and ERS, the “Debtors”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the representative of the Commonwealth pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),<sup>2</sup> filed the *Three Hundred Eighty-First Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico, the Employees Retirement System of the Government of the Commonwealth of Puerto Rico, and the Puerto Rico Public Buildings Authority to Employee Claims Asserting Liabilities Owed By Entities That Are Not Title III Debtors* [ECF No. 17917] (the “Three Hundred Eighty-First Omnibus Objection”) to various proofs of claim.

2. The Three Hundred Eighty-First Omnibus Objection seeks to disallow claims associated with allegedly unpaid wages or other employment benefits purportedly owed by entities that are not Title III debtors, each as listed on Exhibit A thereto (the “Claims to Be Disallowed”). Each of the Claims to Be Disallowed fail to comply with the applicable rules, however, because they do not provide a basis for asserting a claim against the Commonwealth or any other Title III Debtor for liabilities purportedly owed by entities that are not Title III Debtors.

3. Any party who disputed the Three Hundred Eighty-First Omnibus Objection was required to file a response by 4:00 p.m. (Atlantic Standard Time) on September 20, 2021, in accordance with the Court-approved notices attached to the Three Hundred Eighty-First Omnibus Objection as Exhibit C, which were served in English and Spanish on the individual creditors subject to the Three Hundred Eighty-First Omnibus Objection, the U.S. Trustee, and the Master Service List (as defined in the *Fifteenth Amended Case Management Procedures* [ECF No. 17127-1]). *See Certificate of Service* [ECF No. 17989].

4. The Debtors have received correspondence from:

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<sup>2</sup> PROMESA is codified at 48 U.S.C. §§ 2101–2241.

- i. Luciano Silva Rivera (“Silva Rivera”), a copy of which is attached hereto as Exhibit “A” (the “Silva Rivera Response”), regarding Proof of Claim No. 173011 (the “Silva Rivera Claim”);
- ii. José Orlando Ortiz Ortiz (“Ortiz Ortiz,” and together with Silva Rivera, the “Claimants”), a copy of which is attached hereto as Exhibit “B” (the “Ortiz Ortiz Response,” and together with the Silva Rivera Response, the “Responses”), regarding Proof of Claim No. 174125 (the “Ortiz Ortiz Claim,” and together with the Silva Rivera Claim, the “Claims”).

Certified translations of the Silva Rivera Response and the Ortiz Ortiz Response are attached hereto as Exhibits “A-1” and “B-1,” respectively.

**I. The Silva Rivera Response**

5. Silva Rivera filed the Silva Rivera Claim against the Commonwealth on January 13, 2020. It purports to assert liabilities associated with allegedly accrued, but unpaid, wages purportedly owed by the Puerto Rico Sugar Corporation (the “Sugar Corporation”).

6. The Silva Rivera Response, which was received on September 22, 2021, does not address the Debtors’ contention that they are not liable for liabilities purportedly owed by former government entities, such as the Puerto Rico Sugar Corporation. Rather, the Silva Rivera Response consists of a copy of numerous pages from the Three Hundred Eighty-First Omnibus Objection, with Silva Rivera’s signature on 10 different pages.

7. Accordingly, because Silva Rivera does not dispute that the Debtors are not liable for allegedly unpaid wages purportedly by the Puerto Rico Sugar Corporation, and because neither the Silva Rivera Response nor the Silva Rivera Claim provides a basis for asserting a claim against the Commonwealth, ERS, PBA, or any other Title III Debtor in respect of allegedly accrued but unpaid wages purportedly owed by the Puerto Rico Sugar Corporation, the Silva Rivera Claim should be disallowed.

## **II. The Ortiz Ortiz Response**

8. Ortiz Ortiz filed a proof of claim against ERS on July 7, 2020. The Ortiz Ortiz Claim purports to assert liabilities in an unspecified amount arising from allegedly accrued, but unpaid, wages purportedly owed by the Puerto Rico Sugar Corporation.

9. The Ortiz Ortiz Response, which was received by Prime Clerk on September 15, 2021, does not address the Debtors' contention that they are not liable for liabilities purportedly owed by former government entities, such as the Puerto Rico Sugar Corporation. Rather, it includes a copy of certain pages from the Three Hundred Eighty-First Omnibus Objection, a photocopy of Ortiz Ortiz's driver's license and social security card, a social security statement with Ortiz Ortiz's earnings record, on which Ortiz Ortiz indicated the years he asserts he was employed by the Puerto Rico Sugar Corporation, and a copy of the Ortiz Ortiz Claim.

10. Accordingly, because Ortiz Ortiz does not dispute that the Debtors are not liable for allegedly unpaid wages purportedly owed by the Puerto Rico Sugar Corporation, and because neither the Ortiz Ortiz Response nor the Ortiz Ortiz Claim provides a basis for asserting a claim against the Commonwealth, ERS, PBA, or any other Title III Debtor in respect of allegedly accrued but unpaid wages purportedly owed by the Puerto Rico Sugar Corporation, the Ortiz Ortiz Claim should be disallowed.

11. For the foregoing reasons, the Debtors respectfully request the Court sustain the Three Hundred Eighty-First Omnibus Objection and disallow the Claims.

Dated: February 2, 2022  
San Juan, Puerto Rico

Respectfully submitted,

/s/ Hermann D. Bauer

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